

VZCZCXRO0545
RR RUEHMA RUEHPA
DE RUEHNM #0835 2992009
ZNR UUUUU ZZH
R 262009Z OCT 09
FM AMEMBASSY NIAMEY
TO RUEHC/SECSTATE WASHDC 5404
INFO RUEHDS/AMEMBASSY ADDIS ABABA 1684
RUEHZK/ECOWAS COLLECTIVE
RHMFISS/HQ USAFRICOM STUTTGART GE
RUEAIIA/CIA WASHINGTON DC
RHEFDIA/DIA WASHINGTON DC
RUEHLMC/MCC WASHDC

UNCLAS NIAMEY 000835

DEPT FOR AF/W AND AF/RSA; PLS PASS TO USAID FOR AFR/W
ACCRA ALSO FOR USAID/WA
ADDIS ABABA FOR USAU - J MAYBURY
PARIS FOR AFRICA WATCHER

SIPDIS

SENSITIVE BUT UNCLASSIFIED

E.O. 12958: N/A

TAGS: [PGOV](#) [KDEM](#) [SOCI](#) [PHUM](#) [NG](#)

SUBJECT: Niger: President Tandja Grants Amnesty to Rebels and
Supporters among Security Forces

Ref: Niamey 00821

¶1. (U) On October 23, President Tandja signed an order granting amnesty to Tuareg rebels who have relinquished their weapons, representing a major step beyond the largely ceremonial acts organized in the past to mark the ongoing peace process involving Niger's vast north.

¶2. (U) The following is a translation of the order signed by President Tandja:

(Begin text)

Thus, under the order, the following persons have been granted amnesty, in all their effects and consequences, for their deeds and acts capable of being treated as criminal acts and committed as part of the armed insurrection during the period from 2005 to the date of signing of the present order.

Those who are beneficiaries of this amnesty, within the conditions defined in Paragraph 1, are:

-- The perpetrators, co-perpetrators, and accomplices of the crimes and offenses committed during the said period.

-- Members of the defense and security forces or any other persons that supported them.

-- Persons that were members of the free movements of the armed insurrection.

The provisions of this order apply to persons tried, sentenced to jail, or being sought after, or liable to search warrants, for the offenses committed during the period of the armed insurrection. The modalities for the implementation of this order will be fixed by decree.

(End text)

¶3. (U) Comment: While amnesty for Tuareg rebels was expected based on the October 10 meeting between GON officials, former Tuareg rebel factions, and Libyan mediators (reftel), some analysts criticized the hastiness taken in announcing this decision. Some critics believe that amnesty should be subject to law, not a decree. President Tandja, no matter what his powers, cannot unilaterally grant amnesty. Observers further criticized this decision as an attempt to block any legal action regarding the December 2007 killing of seven civilians by the military near Tiguidit.

14. (SBU) Lawyers of the victims' families allege the Government of Niger (GON) is delaying investigation of the aforementioned case. Consequently, in late September 2009, the families decided to take the case to the ECOWAS Court of Justice, arguing that the GON failed to investigate the case and bring suspected perpetrators to justice. End comment.

ALLEN